

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: LUTZ, Carl David et al.

Group Art Unit: 2877

Serial No. 10/684,864

Examiner: PUNNOOSE, R.

Filed: 10/14/2003

Atty. Dkt. No: SI003-US

For: COLORIMETER WITH HIGH SNR

To: Mail Stop ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

From:

24222

Commissioner:

LETTER OF TRANSMITTAL

1. Transmitted herewith is Credit Card Payment Form PTO-2038, in the amount of \$ 1709.00 or the issue fee, publication fee, if applicable and 3 advance copies, payable to the Commissioner of Patents and Trademarks, PTOL-85B Issue Fee Transmittal, and PTO/SB/47 Fee Address Form.

2. Drawings: Formal drawing sheets were submitted on December 6, 2005 with applicant's response to Non-Final Office Action dated 11/15/2005.

3. DEPOSIT ACCOUNT 500323 AUTHORIZATION – All fees relating to the attached submittal are intended to be included herein. The office is however, hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the attached submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus. agents.

4. [X] COMMENTS ON REASON FOR ALLOWANCE

The Applicant thanks the Office for providing reasons for allowance. However, the Applicant believes that the record as a whole amply supports the allowance of the claims and such further comments by the Office do not represent the full scope of the invention as defined in each of the claims. The Office merely recites elements of claims 1 and 12 as the reasons for allowance, and the Applicant wishes to ensure that such statement does not give rise to a presumption of acquiescence to those reasons, and any negative inferences that may flow therefrom. Applicant believes that the allowed claims 1-19, including 2 independent claims are best interpreted in light of the record as a whole and not on the reasons presented in the Notice of Allowance.

Respectfully submitted,

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CERTIFICATE OF Facsimile 37 CFR 1.8: I certify that this correspondence is being faxed on the below date to Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, Fax #. 571-273-2885,
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[X] Debra A. Stengel

Date: February 7, 2006